

**SULLIVAN &  
WORCESTER**

Sullivan & Worcester LLP  
1633 Broadway  
New York, NY 10019

T 212 660 3000  
F 212 660 3001  
[www.sandw.com](http://www.sandw.com)

August 30, 2012

**By Hand**

Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl St., Room 1620  
New York, NY 10007

Re: Sekisui America Corporation v. Hart  
12 CV 3479 (SAS)

Dear Judge Scheindlin:

We represent defendants Richard Hart and Mary Louise Trudel-Hart in the above-referenced action. We write with the consent of counsel for the Plaintiffs. At the Rule 16(b) conference on August 20, 2012, the Court instructed the parties to advise it if the parties preferred to engage in private mediation rather than mediation through the Court-annexed Mediation Program. The parties have agreed that they would prefer to conduct a private mediation. The parties have agreed on a list of approximately 20 potential mediators, and are in the process of selecting a mediator from that list. The parties respectfully request that the Court withdraw its order referring the parties to the Court-annexed Mediation Program (Docket No. 18), and instead permit the parties to engage in private mediation. It is the parties' intention to conduct the mediation within the next 60 days.

Respectfully submitted,



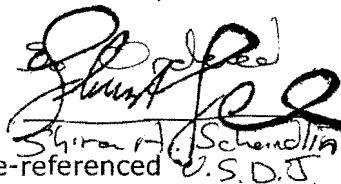
Jonathan G. Kortmansky

Direct line: (212) 660-3044  
[jkortmansky@sandw.com](mailto:jkortmansky@sandw.com)

cc: Craig B. Whitney, Esq.

Request granted. The referral to the Court-annexed mediation Program is withdrawn. The parties are directed to convey to the Mediation Program this information and to hold their mediation session by November 3, 2012.

September 3, 2012



Shira A. Scheindlin  
U.S.D.J.

